Decision for dispute CAC-UDRP-108064

Case number	CAC-UDRP-108064
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Domain names	paysend-order.com

Case administrator

Name	Olga Slanařová (Case admin)

Complainant

Organization	PaySend Group Limited

Complainant representative

Organization	Motsnyi IP Group (dba Motsnyi Legal)

Respondent

Name	Egor Andreevich Fomin

OTHER LEGAL PROCEEDINGS

The Panel is not aware of any other legal proceedings which are pending or decided and which relate to the disputed domain name.

IDENTIFICATION OF RIGHTS

The evidence has established that the Complainant is the owner of a portfolio of registered trademarks including:

(a) the International trademark registration for PAYSEND, No.1284999 registered on October 13, 2015; and

(b) numerous other International registrations for PAYSEND and derivatives protected in many jurisdictions,

(collectively "the PAYSEND trademark").

FACTUAL BACKGROUND

The Complainant, PaySend Group is a global Fin Tech company engaged in the provision of international card-to-card transfers allowing connection between individual card holders in many countries and it has been so engaged since 2017. It is renowned internationally, has its headquarters in London and has over 10 million customers to whom it provides its services under the PAYSEND trademark.

As well as the PAYSEND trademark, the Complainant owns various domain names, most notably <paysend.com>, which it uses in its business to promote its products under its PAYSEND trademark and brand.

It has come to the notice of the Complainant that on August 25, 2025, without any permission and many years after the Complainant acquired its aforesaid trademark rights, the Respondent registered the domain name <paysend-order.com> ("the Disputed Domain Name") which includes the PAYSEND trademark in its entirety, with the addition of a hyphen, the generic word “order” and the Top Level Domain “.com.” The Respondent has then caused the Disputed Domain Name to resolve to a website that uses the PAYSEND trademark, impersonates and passes itself off as the Complainant and attempts to perpetrate a fraud.

The Disputed Domain Name and the website to which it resolves pose a very concerning threat to the Complainant’s business and the PAYSEND trademark and brand. That is because the Complainant submits that the Disputed Domain Name and the use made of it by the Respondent constitute an infringement of the PAYSEND trademark, give rise to a likelihood of confusion in the minds of internet users between the trademark and the Disputed Domain Name and pose the threat of a fraud being perpetrated on the Complainant and its customers if the Respondent retains registration of the Disputed Domain Name.

The Complainant maintains that the Disputed Domain Name is confusingly similar to its trademark, that registering the Disputed Domain Name and having it resolve to the aforesaid website cannot give rise to a right or legitimate interest in the Disputed Domain Name and that the Disputed Domain Name has been registered and used in bad faith.

The Complainant has therefore brought this proceeding under the Uniform Domain Name Dispute Resolution Policy to obtain a transfer of the Disputed Domain Name to itself and thus the cessation of the improper use which it submits the Respondent has made of it.

PARTIES CONTENTIONS

COMPLAINANT:

The Complainant made the following contentions.

(i) The Disputed Domain Name is confusingly similar to a trademark or service mark in which the Complainant has rights.

The Complainant owns the trademark for PAYSEND set out above and which was registered many years before the Respondent registered the Disputed Domain Name on August 25, 2025.

The Disputed Domain Name <paysend-order.com> incorporates the Complainant’s PAYSEND trademark in its entirety with the addition of a hyphen and the generic word “order” and the Top Level Domain “.com.” The trademark is clearly recognizable in the Disputed Domain Name. The addition of the hyphen is of such minor significance that it could have no effect on the interpretation given to the Disputed Domain Name. The addition of generic words such as the word “order” in the present case, is now well established as being not sufficient to negate a finding of confusing similarity with a trademark. In the present case, the presence of the word "order" has the effect that the Disputed Domain Name is invoking the notion of orders being submitted for the transfer of funds by the Complainant under its processes conducted under the PAYSEND trademark.

Thus, the Disputed Domain Name is confusingly similar to the PAYSEND trademark.

(ii) The Respondent has no rights or legitimate interests in respect of the Disputed Domain Name.

As is universally accepted, the Complainant is first required to make out a prima facie case that the Respondent has no rights or legitimate interests in the Disputed Domain Name and, if such a prima facie case is made out, the onus of proof is then transferred to the Respondent to rebut any such prima facie case that has been established.

The Complainant submits that, for the following reasons, it can make out its prima facie case.

First, the Complainant has not given any permission or authority to the Respondent to register or use the Disputed Domain Name and there is no affiliation, business or other relationship between the Complainant and the Respondent.

Secondly, the Respondent has registered the Disputed Domain Name and caused it to resolve to a website that prominently displays the Complainant’s PAYSEND trademark, and impersonates and passes itself off as the Complainant.

Thirdly, the Respondent has copied the Complainant’s corporate purple colour on its website.

Fourthly, the Respondent has provided false contact details.

Fifthly, the foregoing features indicate that the Respondent has intended to initiate a fraudulent activity by means of using the Disputed Domain Name and the Respondent’s aforesaid website.

Accordingly, the Complainant submits that it has made out a prima facie case that the Respondent has no rights or legitimate interests in the Disputed Domain Name.

(iii) The Disputed Domain Name was registered and is being used in bad faith.

The Complainant submits on the following grounds that the Disputed Domain Name was registered and is being used in bad faith.

First, the Respondent has taken the Complainant's well-known PAYSEND trademark and without permission or authority has entirely incorporated it in the Disputed Domain Name which is confusingly similar to the trademark.

Secondly, the Respondent registered the Disputed Domain Name many years after the Complainant acquired its aforesaid trademark rights and after they had acquired wide recognition.

Thirdly, the content of the aforesaid website shows that the Respondent has set about obtaining and has obtained considerable knowledge of the Complainant and its trademarks to take unfair advantage of it.

Fourthly, the Respondent has clearly embarked on impersonating and passing itself off as the Complainant and shown that it may well be engaging in a fraud.

Fifthly, that conclusion is enhanced by the provision of false contact information by the Respondent and by the fact that although the Respondent apparently resides in Russia, it has not provided a street address, has supplied a manifestly non-existent email address and has clearly spread random characters around instead of providing accurate contact details.

Sixthly, all the circumstances show that the Respondent must have been and was aware of the Complainant and its trademark when it, the Respondent, registered the Disputed Domain Name.

In registering and using the Disputed Domain Name, the Respondent has sought to generate confusion between the Complainant and the Respondent and their respective websites within the meaning of paragraph 4(b)(iv) of the Policy.

Accordingly, the Complainant submits that the Respondent has registered and used the Disputed Domain Name in bad faith.

The Complainant thus submits that it has established all of the elements it is required to prove under the Policy and that it is therefore entitled to the relief that it seeks.

RIGHTS

The Complainant has, to the satisfaction of the Panel, shown the Disputed Domain Name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights (within the meaning of paragraph 4(a)(i) of the Policy).

NO RIGHTS OR LEGITIMATE INTERESTS

The Complainant has, to the satisfaction of the Panel, shown the Respondent to have no rights or legitimate interests in respect of the Disputed Domain Name (within the meaning of paragraph 4(a)(ii) of the Policy).

BAD FAITH

The Complainant has, to the satisfaction of the Panel, shown the Disputed Domain Name has been registered and is being used in bad faith (within the meaning of paragraph 4(a)(iii) of the Policy).

PROCEDURAL FACTORS

The Panel is satisfied that all procedural requirements under UDRP were met and there is no other reason why it would be inappropriate to provide a decision.

PRINCIPAL REASONS FOR THE DECISION

This is a mandatory administrative proceeding pursuant to Paragraph 4 of the Uniform Domain Name Dispute Resolution Policy (the "Policy" or "UDRP") of the Internet Corporation for Assigned Names and Numbers ("ICANN"), the Rules for Uniform Domain Name Dispute Resolution Policy (the "Rules"), and the CAC Supplemental Rules.

A. Administrative deficiency

By notification dated November 6, 2025, and in accordance with Paragraph 4 (b) of the Rules, the CAC notified the Complainant that the Complaint was administratively deficient in that it had not sufficiently identified the Respondent. The Complainant was invited to

see the Registrar's verification available in the online case file in the form of a non-standard communication regarding the appropriate identification of the domain name holder.

On November 9, 2025, the Complainant filed an Amended Complaint correcting the deficiency and the CAC thus determined that the Complaint should be admitted to proceed further in the Administrative Proceeding.

The Panel has reviewed all of the above matters and makes a finding that within the meaning of Paragraph 4(b) of the Rules, the administrative deficiencies have been corrected and that this matter has proceeded properly to the Panel in accordance with the Policy and the Rules.

B. Substantive matters

Paragraph 15 of the Rules provides that the Panel is to decide the complaint on the basis of the statements and documents submitted and in accordance with the Policy, the Rules and any rules and principles of law that it deems applicable.

In that regard, the Panel also notes that the onus is on the Complainant to make out its case, and past UDRP panels have consistently said that a complainant must show that all three elements of the Policy have been made out before any order can be made to transfer a domain name.

The Panel therefore turns to discuss the various issues that arise for decision on the facts as they are known.

For the Complainant to succeed it must prove, within the meaning of Paragraph 4(a) of the Policy, that:

(i) the domain name is identical or confusingly similar to a trademark or service mark in which the complainant has rights; and

(ii) the respondent has no rights or legitimate interests in respect of the domain name; and

(iii) the domain name has been registered and is being used in bad faith.

The Panel will therefore deal with each of these requirements in turn.

1. Identical or Confusingly Similar.

The first issue that arises is whether the Complainant has a trademark on which it may rely in this proceeding. In that regard, the Panel finds that the Complainant has adduced evidence that the Panel accepts, that it is the registered owner of the PAYSEND trademark, particulars of which have been set out above. That evidence is in documentary form that the Panel has examined and finds to be in order. The Panel therefore finds that the Complainant has established its trademark rights and hence its standing to bring this proceeding.

The Panel next finds that the Disputed Domain Name is confusingly similar to the PAYSEND trademark. That is so for the following reasons.

The Disputed Domain Name <paysend-order.com> was registered by the Respondent on August 25, 2025 and incorporates the Complainant's PAYSEND trademark in its entirety with the addition of a hyphen, the generic word "order" and the Top Level Domain ".com." The trademark is clearly recognizable in the Disputed Domain Name and is the first and dominant feature of the Disputed Domain Name. Thus, an internet user would naturally conclude that it is invoking the PAYSEND trademark. The addition of the hyphen is of such minor significance that UDRP panels have consistently held that such minor features cannot negate a finding of confusing similarity that is otherwise present on the evidence, as it is in the present case. The effect of the addition of generic words such as "order" in the present case is now well-established as being not to negate a finding of confusing similarity with a trademark but to strengthen it. In the present case it has the effect that the Disputed Domain Name is invoking the notion of orders being submitted by customers for the transfer of funds by the Complainant under its processes provided under the PAYSEND trademark. Internet users would undoubtedly conclude that such a request for an order for the transfer of funds could be made by the Complainant if the internet user decided to avail itself of those services or, at the very least would wonder if they could be so provided, which would also be confusing.

Thus, the Disputed Domain Name is confusingly similar to the PAYSEND trademark.

The Complainant has therefore established the first element that it must show under Paragraph 4(a)(i) of the Policy.

2. Rights or Legitimate Interests

Under Paragraph 4(a)(ii) of the Policy, the Complainant has the burden of establishing that the Respondent has no rights or legitimate interests in respect of the Disputed Domain Name.

But by virtue of Paragraph 4(c) of the Policy, it is open to a respondent to establish its rights or legitimate interests in a domain name, among other circumstances, by showing any of the following elements:

(i) before any notice to you [respondent] of the dispute, your use of, or demonstrable preparations to use, the domain name or a name corresponding to the domain name in connection with a bona fide offering of goods or services; or

(ii) you [respondent] (as an individual, business, or other organization) have been commonly known by the domain name, even if you have acquired no trademark or service mark rights; or

(iii) you [respondent] are making a legitimate noncommercial or fair use of the domain name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue.

Thus, if a respondent proves any of these elements or indeed anything else that shows that it has a right or legitimate interest in the Disputed Domain Name, the complainant will have failed to discharge its onus and the complaint will fail. It is also well-established that a complainant is required to make out a prima facie case that the respondent lacks rights or legitimate interests and that when such a prima facie case is made, the respondent carries the burden of demonstrating rights or legitimate interests in the Disputed Domain Name. If the respondent cannot do so, a complainant is deemed to have satisfied Paragraph 4(a)(ii) of the Policy.

The Panel, after considering all of the evidence in the Complaint, finds that the Complainant has made out a very strong prima facie case that the Respondent has no rights or legitimate interests in the Disputed Domain Name. In fact, it is difficult for the Panel to conceive how any other conclusion could be reached, as all of the circumstances revealed by the evidence show a highly suspicious and dubious situation, all brought about, of course, by the Respondent.

The case against the Respondent is made the stronger by the Complainant having adduced relevant documentary evidence which the Panel accepts and which will shortly be referred to, and by the Complainant's citation and discussion of previously decided UDRP cases which support its contentions.

The Panel will address each of the grounds relied on by the Complainant in the order in which they have been submitted by the Complainant. Those grounds are that:

- the Complainant has not given any permission or authority to the Respondent to register or use the Disputed Domain Name and there is no affiliation, business or other relationship between the Complainant and the Respondent; the evidence is that the Complainant did not give any permission or authority to the Respondent to register or use the Disputed Domain Name and in particular did not give any permission or authority to the Respondent to use its trademark in a domain name or in any other way; moreover, the evidence is that there is no affiliation, business or other relationship between the Complainant and the Respondent; thus it could not be contended that the Disputed Domain Name was registered with any type of consent by the Complainant; this negates any suggestion that the Respondent's conduct could give rise to a right or legitimate interest in the Disputed Domain Name;
- the Respondent has registered the Disputed Domain Name and caused it to resolve to a website that prominently displays the Complainant's PAYSEND trademark, and impersonates and passes itself off as the Complainant; the Panel has examined Annexes 7 and 8 submitted by the Complainant, which show how the Respondent impersonates and passes itself off as the Complainant; it does this by highlighting the letter P and using the corporate purple colour with which the Complainant is associated; this is very significant evidence, as it shows the Respondent has embarked on pretending that it is the Complainant and dropping features into its website to encourage internet users to think they have arrived at the Complainant's official and genuine website; this again must cancel out any suggestion that the Respondent could acquire a right or legitimate interest in the very domain name used to perpetrate this subterfuge;
- the Respondent has provided false contact details; the Complainant has contended that the information provided by the Respondent has been concocted and the Panel has looked at the record; to see if this is so; it is highly unlikely that the Respondent's address is "asdasdawsd 212q" and it is unlikely that its email address is asdasd@amsd.r;
- the foregoing features suggest that the Respondent's motives are not well-intentioned; registering a domain name including a prominent finance house and its trademark, without permission, giving dubious contact information, suggesting that internet users might like to make a transfer of money by an "order", and the very fact that the Disputed Domain Name exists at all, suggest that there is in all probability some foulplay afoot and that the Respondent is building up to perpetrating a fraud of some sort;
- the Panel adds that it is clear from the foregoing evidence that the use to which the Respondent has put the Disputed Domain Name is not a bona fide use within the meaning of Paragraph 4(c)(i) of the Policy; there is nothing bona fide in engaging in such a series of subterfuges; moreover, the proven use of the Disputed Domain Name is not a legitimate, noncommercial or fair use of the Disputed Domain Name within the meaning of paragraph 4(c)(iii) of the Policy, as it was clearly illegitimate, undertaken for a commercial purpose and was not fair, either to the Complainant or to internet users in general.

Accordingly, the Panel finds that the Complainant has made out a prima facie case that the Respondent has no rights or legitimate interests in the Disputed Domain Name.

The Respondent has not rebutted the prima facie case as it is in default and has not filed a Response.

The Complainant has therefore made out the second of the three elements that it must establish under Paragraph 4(a)(ii) of the Policy.

Registered and Used in Bad Faith

The Complainant must prove on the balance of probabilities both that the Disputed Domain Name was registered in bad faith and that it is being used in bad faith.

Paragraph 4(b) of the Policy sets out four circumstances, any one of which is evidence of the registration and use of a domain name in bad faith, although other circumstances may also be relied on, as the four circumstances are not exclusive. The four specified circumstances are:

(i) circumstances indicating that the respondent has registered or acquired the domain name primarily for the purpose of selling, renting, or otherwise transferring the domain name registration to the complainant who is the owner of the trademark or service mark or to a competitor of that complainant, for valuable consideration in excess of the respondent's documented out-of-pocket

costs directly related to the domain name; or

(ii) the respondent has registered the domain name in order to prevent the owner of the trademark or service mark from reflecting the mark in a corresponding domain name, provided that the respondent has engaged in a pattern of such conduct; or

(iii) the respondent has registered the domain name primarily for the purpose of disrupting the business of a competitor; or

(iv) by using the domain name, the respondent has intentionally attempted to attract, for commercial gain, Internet users to the respondent's website or other on-line location, by creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation, or endorsement of the respondent's website or location or of a product or service on the site or location.

The Panel finds that the Complainant has shown that the Respondent registered and used the Disputed Domain Name in bad faith on all the grounds relied on by the Complainant.

The Panel will deal with each of those grounds in the order in which they have been raised by the Complainant.

They are that:

- the Respondent has taken the Complainant's well-known PAYSEND trademark and without permission or authority has entirely incorporated it into the Disputed Domain Name which is confusingly similar to the trademark; the evidence as a whole shows that the Respondent has taken the Complainant's well-known PAYSEND trademark and without permission or authority entirely incorporated it into the Disputed Domain Name which is certainly confusingly similar to the trademark; nothing could show that the registration of the Disputed Domain Name in those circumstances was anything other than in bad faith and the Panel so finds;
- the Respondent registered the Disputed Domain Name many years after the Complainant acquired its aforesaid trademark rights and the trademark had acquired wide recognition; it must be concluded from this fact that the Respondent targeted the Respondent, precisely for that reason, that the trademark had acquired goodwill and standing over the years and was a suitable target for the Respondent;
- the content of the aforesaid website shows that the Respondent has set about obtaining and has obtained considerable knowledge of the Complainant and its trademarks so as to take unfair advantage of it; the evidence shows that the Respondent was aware of the corporate colours used by the Complainant to conduct its business, the steps that were necessary to induce potential customers to obtain access to the site and that part of the modus operandi of the Complainant was to offer money "orders", so that if it, the Respondent, purported to offer such "orders", it would be more likely to attract unsuspecting internet users into its orbit; such knowledge is regularly seen by panellists as evidence that a registrant was acting in bad faith;
- the Respondent has clearly embarked on impersonating and passing itself off as the Complainant and shown that it may well be engaging in a fraud; this has clearly been established by the evidence and is without any doubt consistent with the Respondent being motivated by bad faith in both registering and using the Disputed Domain Name;
- that conclusion is enhanced by the provision of false contact information by the Respondent and by the fact that although the Respondent apparently resides in Russia, it has not provided a street address, has supplied a manifestly non-existent email address and has clearly spread random characters around instead of providing accurate contact details;
- in registering and using the Disputed Domain Name, the Respondent has sought to generate confusion between the Complainant and the Respondent and their respective websites within the meaning of paragraph 4(b)(iv) of the Policy; clearly, the Respondent had to persuade internet users to believe that it, the Respondent, was the Complainant and that if they used the offerings being held out by the Respondent, they would be dealing with the Complainant, which was clearly not the case;
- all the circumstances have shown that the Respondent must have been and was aware of the Complainant and its trademark when it, the Respondent, registered the Disputed Domain Name; in particular, it must be concluded on the evidence that the Respondent had actual knowledge of the Complainant's well-known trademark when it registered the Disputed Domain Name and the presence of such a well-known trademark in a domain name indicates that the Respondent was well-aware of the Complainant and its trademark, knew its target and hence registered the Disputed Domain Name in bad faith; indeed, the Respondent could not have carried out its subterfuge unless it had actual knowledge of the Complainant, its trademark, famous brand and products.

The Complainant has made out all of the grounds it has relied on and accordingly the Panel finds that the Respondent has registered and used the Disputed Domain Name in bad faith.

The Complainant has therefore made out the third of the three elements that it must establish under Paragraph 4(a)(iii) of the Policy.

The Complainant has therefore established all of the elements it is required to prove under the Policy and the Respondent is in default and has not filed a Response. The Complainant is therefore entitled to the relief that it seeks, namely transfer of the Disputed Domain Name.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

AND THE DISPUTED DOMAIN NAME(S) IS (ARE) TO BE

AND THE DISPUTED DOMAIN NAME(S) IS (ARE) TO BE

1. **paysend-order.com**: Transferred

PANELLISTS

Name	**Neil Brown**

DATE OF PANEL DECISION 2025-12-04

Publish the Decision